

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

PAUL B. HOWELL,

Plaintiff,

VS.

NO. 06-2718-MaV

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On October 24, 2006, the plaintiff Paul B. Howell filed a Social Security appeal with this court seeking judicial review of the decision of the Commissioner of Social Security in denying his application for disability benefits and social security income. The matter was referred to Magistrate Judge Diane Vescovo for report and recommendation. On September 4, 2007, Magistrate Judge Vescovo filed her Report and Recommendation, which recommended that this matter be remanded to the Administrative Law Judge for the purpose of allowing the ALJ to properly evaluate and give appropriate weight to Howell's treating psychiatrist. The magistrate judge's Report and Recommendation also advised the parties that any objections to the magistrate judge's recommendations were to be filed within ten days or that they might be deemed waived by this court. Neither party has filed any objections to the magistrate judge's

Report and Recommendation.

Having reviewed the record in this case, along with the magistrate judge's Report and Recommendation, the court concludes that the findings and conclusions of the magistrate judge are correct. The Report and Recommendation of the magistrate judge is therefore adopted by this court. Accordingly, the Commissioner's decision is reversed and this matter is remanded for the ALJ to fully consider whether Howell satisfies Listing § 12.04, to state his reasons for his determination, and to properly evaluate and give appropriate weight to Howell's treating psychiatrist, for the reasons articulated in the magistrate judge's report and recommendation.

It is so ORDERED this 21st day of September, 2007.

s/ Samuel H. Mays, Jr.
UNITED STATES DISTRICT JUDGE